

REMARKS

Claims 1-5, 8-9, 12-16, 18, 20-23, and 26-29 are all the claims presently pending in the application. Claims 1, 12, and 21 are amended to more clearly define the invention, claims 6-7, 10-11, 17, 19, and 24-25 are canceled, and claims 27-29 are added. Claims 1, 12, and 21 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Claims 1-5, 8-9, 12-16, 18, 20-23, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nawata et al. reference in view of the Kato reference.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention is directed to a pedal bracket structure that includes a pedal bracket fixed at a front end portion to a toe board, a pedal lever rotatably supported by a rear end portion of the pedal bracket via a pedal lever pivot, and a rigidity increasing member with a saddle type switch bracket fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket. The pedal bracket includes an outwardly swollen rigidity supplementing portion in the front end portion of the pedal bracket, and a brittle portion contiguous to and at a rear side of the rigidity supplementing portion.

As explained by the present specification, a first conventional pedal support structure includes a back plate 140 (e.g., see Figure 6 of the present application) just above a hole in a pedal bracket 110 which improves longitudinal rigidity of the pedal bracket. The hole is provided to allow the bracket to crush easily in the event of a front end collision. However, there is a risk that the back plate 140 will deteriorate the deforming promoting function of the hole in the pedal bracket.

As shown in Fig. 7 (which corresponds to JPA 9-25821 to Kato, cited by the Examiner and discussed below), a second conventional pedal support structure includes pedal bracket 222 which includes an opening which deforms and is rigidly supported at a bracket side sliding portion 238 which must be attached to a vehicle side sliding member 241 at an inclination angle θ . However, the second conventional pedal support structure requires a number of components and further requires extensive modifications to the vehicle side to include a vehicle side sliding member at the inclination angle.

By contrast, the present invention solves the problems of the conventional structures by providing a pedal bracket structure that includes a pedal bracket, a pedal lever rotatably supported by the pedal bracket by a pedal lever pivot and a rigidity increasing rigidity increasing member including a saddle type switch bracket fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket. In this manner, the addition of the rigidity increasing member including a saddle type switch bracket fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket This rigidity supplementing portion further improves the feeling of the operation of the pedal lever while still providing the brittle portion in the pedal bracket to ensure proper deformation of the pedal bracket during impact absorption. (Page 5, lines 7-15).

In other words, the pedal lever pivot extending through not only the pedal bracket, but also through the saddle type switch bracket further supplements the rigidity of the support that is provided to the pedal lever pivot. As a result, the feeling of the operation of the pedal bracket is maintained and/or improved despite the presence of the brittle portion.

II. THE PRIOR ART REJECTION

The Examiner alleges that the Kato reference would have been combined with the Nawata et al. reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicants respectfully submit that a combination of these references would not teach or suggest each and every element of the claimed invention.

In particular, none of the applied references teach or suggest the features of the claimed invention including a saddle type switch bracket fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket. As explained above, the pedal lever pivot extending through not only the pedal bracket, but also through the saddle type switch bracket further supplements the rigidity of the support that is provided to the pedal lever pivot. As a result, the feeling of the operation of the pedal bracket is maintained and/or improved despite the presence of the brittle portion.

The Examiner admits that the Nawata et al. reference “fails to show a switch bracket having a saddle shape attached to the pedal bracket with a rigidity supplementing bracket.”

The Examiner alleges that the Kato reference remedies these deficiencies. However, as explained above, Applicants respectfully submit that the Kato reference does not remedy

the deficiencies of the Nawata et al. reference.

While the Kato reference appears to disclose a stopper portion 32 fastened to the pedal bracket, that the stopper portion 32 clearly is not fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket.

Rather, as is clearly illustrated by Figure 2 of the Kato reference, the stopper portion 32 welded to the pedal bracket (col. 6, lines 6-7) behind the pivot shaft 28 of the pedal lever 18a.

Thus, since the stopper portion 32 is not fastened to the pedal bracket such that the pedal lever pivot extends through the saddle type switch bracket, the stopper portion 32 does not provide the advantages that are provided by the claimed invention.

In particular, the stopper portion 32 does not supplement the rigidity of the pedal lever pivot as much as the switch bracket of the claimed invention. As explained above, the fact that the pedal lever pivot extends through the switch bracket means that the switch bracket further supplements the rigidity of the support that is provided to the pivot of the pedal lever and, therefore, improves the feel of the pedal operation.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-5, 8-9, 12-16, 18, 20-23, and 26.

III. THE DRAWING OBJECTION

The Examiner objects to the drawings as allegedly not showing the features recited by claims 22-26.

Claims 24-25 were canceled by the Amendment filed on February 4, 2005. Therefore, there is no issue with respect to these claims.

In the October 19, 2004, Office Action, the Examiner rejected claims 22-23 and 26 as introducing new matter. In response to that rejection, the February 4, 2005, Amendment amended the specification to provide a description of the cylindrically-shaped outwardly swollen rigidity supplementing portion that is very clearly illustrated by the Figures.

The Examiner now objects to the drawings as allegedly not showing the very same feature.

As explained by the February 4, 2005, Amendment, Figures 1A, 1B and 2, clearly illustrate a rigidity supplementing portion that is a cylindrically-shaped portion.

To further assist the Examiner's understanding, Applicants enclose a marked-up copy of drawing sheet 1, which includes Figures 1A, 1B, and 2. Figure 1A illustrates a left side view of the cylindrically-shaped rigidity supplementing portion 4. Figure 1B illustrates a rear side view of the cylindrically-shaped rigidity supplementing portion 4, and Figure 2 illustrates a perspective view of the cylindrically-shaped rigidity supplementing portion 4.

Therefore, since the drawings already very clearly illustrate the cylindrically-shaped rigidity supplementing portion, there is no need to "correct" the drawings to provide an illustration of the cylindrically-shaped rigidity supplementing portion.

Should the Examiner continue to have difficulty interpreting the drawings, Applicants respectfully request that the Examiner contact Applicants' representative to discuss this matter.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

Docket No.: F05-138798M/MKO
Serial No.: 10/005,164

12

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-5, 8-9, 12-16, 18, 20-23, and 26-29, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

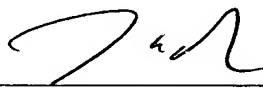
Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: _____

7/15/05



James E. Howard

Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254